

CHAPTER 10: OTHER PERMITS

10.1 LOGGING AND TREE REMOVAL

10.1.1 PURPOSE

It is the intent of the Town to keep the forest atmosphere while allowing needed growth and landscaping to continue. It is the desire of the Town that when possible new growth trees should be saved, while encouraging a safe fire zone around structures and all areas within Town limits.

It is unlawful for any entity or person to log, harvest, cut down, remove, relocate, or cause any such to be done, or knowingly damage so as to require the cutting down or removal of, any live tree with a diameter at breast height (dbh) of 6 inches or greater without a permit. Permits may be issued for the cutting down or removal of diseased or dead trees and relocation or removal of live trees for the clearing of residential or commercial building sites with the appropriate approvals and building permits or to accommodate the installation of pipelines with the appropriate approvals and permits. Any such cutting or tree removal shall require a tree removal permit as provided below.

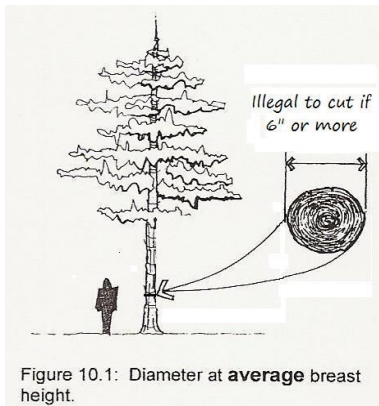


Figure 10.1: Diameter at **average** breast height.

10.1.2 PERMITS

- a. Permits to cut down relocate, or remove a tree as provided under this Title shall be issued by the Brian Head Town Manager or designee. An applicant shall provide such information as the Town deems necessary to adequately evaluate the permit application, including, but not limited to, the following:
 - i. The general location of any diseased or damaged trees, the time when the commercial operator will be performing tasks, and an estimate of the total board feet per acre represented by the diseased trees proposed to be cut.
 - ii. The location of any temporary roadways or skidways necessary to effect the tree removal and designation of all areas on the site plan which shall remain undisturbed.
- b. The permit application(s) shall be accompanied by the appropriate fee as indicated on the Consolidated Fee Schedule and reviewed by the Town Manager or designee and any other staff deemed necessary to assist in application review.
- c. A tree removal permit is not required for routine maintenance, or removal of vegetation or trees as part of fire mitigation or general landscape improvements on residential lots.

10.1.3 STANDARDS FOR REVIEW

Permit applications shall be reviewed pursuant to the following standards:

- a. The intended removal or relocation of a tree(s) will have an acceptable impact on flooding, snow slide and land slide hazards, water shed areas, spring protection zones, water run-off and erosion areas, public right-of-ways, wind breaks, and other trees and vegetation.
- b. The tree removal is necessary to eliminate or minimize disease, a danger of tree fall, danger to utility lines or structures, dangers to public right-of-ways, dangers to buildings or other structures including fences or other trees, and will generally contribute to desired decrease in fire hazard in the forest.
- c. The removal of the subject tree(s) will not significantly diminish the aesthetics or historical character of the site, adjoining properties, or neighborhood.
- d. The removal or relocation of a tree is reasonably necessary for the development, installation, or construction on the subject property or site, or is otherwise necessary or important to the reasonable use or enjoyment of the site property, or adjacent properties.
- e. The removal or relocation of the subject tree(s) is warranted by good forestry practice, including the consideration of the number, spacing, and species of trees on the site or adjoining properties.
- f. The removal of the subject tree(s) will not negatively impact the privacy or architectural relationships between existing or planned structures on the site with other structures, trees, or tree groupings.
- g. Full consideration has been given to the relocation, rather than removal, of healthy trees.
- h. Slash shall be removed, burned (with permit required), or chipped on site.
- i. Re-vegetation and/or reforestation are required.

10.1.4 INSPECTIONS

All tree removal shall be subject to inspection at all reasonable times by the Town Manager or designee. The permittee shall notify the Town Manager or designee within three (3) business days of completion of the tree removal allowed under the permit.

10.1.5 SECURITY FOR COMPLETION

The permittee shall furnish and file with the Town Clerk appropriate security pursuant to section 13.6 of this Title (Security for Completion). The security shall cover costs of clean up, restoration, and/or re-vegetation of the area where trees are to be removed.

10.1.6 FORESTER'S OPINION

The Town Manager or designee may request the Forester's opinion regarding the appropriateness of the selection of the trees to be removed and the need for reforestation of the site. The appropriateness of the trees selected for removal shall consider the purpose of the tree removal, the fire danger before and after the removal, and the alternatives to tree removal to accomplish the stated purpose of the tree removal, such as the relocation of trees or redesign of a project.

10.1.7 EXPIRATION

Unless a shorter time is stated in the tree removal permit when it is issued, all tree removal permits shall expire six (6) months after they are issued. All activities required or allowed by the permit, including cleanup, must be completed while the permit is in effect. Except with regard to required re-vegetation, upon expiration of the permit, all tree removal activities shall cease and a new tree removal permit must be obtained by the applicant, before engaging in further tree removal activities.

10.2 GRADING PERMIT

10.2.1 PURPOSE

The purpose of a grading permit is to document when earth is being graded, removed or placed in an effort to change the original site topography. Because soil material is a valuable resource within Brian Head, it is desirable to use the resource in town where possible, so that additional material does not have to be imported unnecessarily. A grading permit shall also ensure that material is properly placed and compacted. In cases where it is temporarily stored for use on another site, the storage site must be permitted for such use and restored to original condition within a reasonable time to prevent erosion. This permit is not intended to authorize commercial gravel operations or long term storage of materials for which there is no known use. Grading permits will only be issued in conjunction with a building permit, when applicable, to reduce cases of lots being left unfinished.

10.2.2 PERMIT REQUIRED

No person shall commence or perform any grading or filling or clearing of land without first having obtained a permit from the Brian Head Building Department and ascertained the existence and location of any underground utilities. This section shall not restrict a soils test or utility location pit up to six feet (6') in depth. Any person undertaking utility location shall comply with the applicable Blue Stakes regulations and standards. No permit will be required for grading associated with landscaping on residential lots when it does not affect utility locations, require retaining walls over 4' high, or change the site drainage from historical patterns.

10.2.3 REVIEW PROCESS

APPLICATION FORM

Application forms are available from and shall be submitted to the Building Department with the appropriate fee as outlined in the Consolidated Fee Schedule. A list of additional information that may be required may be obtained from the Building Department.

Permit Application

The applicant shall submit a permit packet which includes:

- a. site plan, showing surface drainage flow patterns and a report of subsurface investigation if it appears that there is a history or appearance of potential land slide or erosion that may be caused or exacerbated by the proposed grading or filling,
- b. agent authorization to use the land if it is not owned by the applicant,
- c. list of materials and quantities to be removed from or brought to the site for the work,
- d. list of equipment to be used on the site to complete the job,
- e. written explanation as to how the applicant will comply with this section regarding noise, dust, smell, safety, and other nuisances,
- f. the source of water to be used for compaction and dust abatement,
- g. restroom facilities,
- h. insurance and bond information (if work is to be in the public right-of-way),
- i. storm drain and erosion control plan,
- j. site restoration and vegetation plan,
- k. other information that will show how the operation will be conducted, and site restored after use,
- l. in cases where earth material is to be stored for relocation to another site, the application shall identify the approximate quantity to be stored, the receiving site it will be permanently placed on, and a time frame by which it will be completed, not to exceed one year.

10.2.4. TOWN REVIEW

The Building Department shall determine the adequacy of the application and may require the submission of further information where necessary. If grading is planned for a commercial or multi-family use greater in area than 2000 sq. ft., a grading plan must be prepared and presented to the Planning Commission for review except for the approval of temporary storage sites (describe in 10.2.1) which may be permitted on an administrative basis.

10.2.5 INSPECTIONS

All construction or work for which a permit is required shall be subject to inspection at all reasonable times by the Building Department. The Building Department may make any inspections of any construction work deemed necessary to ascertain compliance with the provisions of this Chapter and other Ordinances which are applicable. The permittee shall notify the Building Department at least 24 hours in advance when grading reaches completion and prior to being covered or concealed by additional work. Whenever any work on which inspections are required is covered or concealed by additional work without first having been inspected, the Building Department may require, through written notice, that such work be exposed for examination. The work of exposing and recovering shall be an expense of the permittee requiring the inspection.

10.2.6 PERFORMANCE BOND

The Town of Brian Head may require a performance bond in such form and amounts as may be deemed necessary to assure the work will be corrected to eliminate hazardous conditions. In lieu of a performance bond, the applicant may file a cash bond or instrument of credit with the Town of Brian Head in an amount equal to that which would be required in the performance bond and in conformance with Section 13.6 (Security for Completion).

10.2.7 SECURITY FOR COMPLETION

Security in a form consistent with Section 13.6 of this Title and the accompanying agreement shall be completed prior to permit approval to ensure the clean-up and restoration of the permit area.

10.2.8 STANDARDS FOR REVIEW

All grading, filling and clearing operations which are performed under this Ordinance shall be consistent with Section 12.10 (Cuts, Fills, and Retaining Walls) and shall be designed to:

- a. Minimize cuts and fills on steep or hazardous terrain. Ensure that all excavation work, including spoil piles, do not create an attractive nuisance or hazard to the general public.
- b. Eliminate scars from cuts and fills, and preserve the natural scenic beauty of the area, such as by rounding off sharp angles at the top, toe and sides of cut and fill slopes to preserve, match or blend with the natural contours and undulation of the land, and by retaining trees and other native vegetation.
- c. Limit clearing of vegetation or disturbances of the soil to areas of proven stability, taking into consideration geologic hazards and soil conditions, and ensure re-vegetation and restoration within one year of completing the grading work, and that all new vegetation survives for one year following the planting.
- d. Assure that the natural runoff capacity of hillsides, slopes, graded areas, cleared areas, filled areas, or streams shall not be exceeded, causing flooding, erosion, or silting greater than that which would have occurred if the land had been left in its natural state.
- e. Ensure that the equipment and machinery (i.e. excavators, compactors, trucks, shakers, crushers, etc.) used to excavate and process the material will only be used for the duration of the excavation or grading process, will only be used on a permitted site, and will not create a nuisance according to other provisions of the Town Code.

10.2.9 DISCHARGE PROHIBITIONS

No solid or liquid materials shall be discharged into any creeks or streams, onto lands below the high-water level of the same, or onto adjoining property.

In order to prevent such discharges from occurring, approved erosion and silt control devices may be required for all grading and filling. Control devices and measures which may be required include, but are not limited to, the following:

- a. Energy absorbing devices to reduce the velocity of runoff water.
- b. Sedimentation controls such as de-silting basins and catch basins. (Any trapped sediment shall be removed to a disposal site approved by the Building Department.) Dissipation or discharge of water runoff from developed areas into drainage fields to dissipate the runoff into the subsoil.
- c. Multiple discharge points to reduce the volume of runoff over localized discharge areas.
- d. Physical erosion control devices; e.g., culverts, rock banks, etc.
- e. Approved temporary erosion and sedimentation control devices, facilities and measures shall be required during construction.

10.2.10 WASTE MATERIALS INCLUDING SOIL, SILT, CLAY, SAND AND OTHER ORGANIC OR EARTHEN DUST CONTROL

Whenever the native ground cover is removed or disturbed, or whenever fill material is placed on the site, the exposed surface shall be treated to eliminate dust arising from the exposed material. The Building Department must approve dust control methods.

10.2.11 DISPOSAL OF CLEARED VEGETATION

Vegetation removed during grading or clearing operations shall be disposed of in a manner approved by the Building Department. See section 10.1.

10.2.12 WATER FLOW DIVERTERS

The Town Engineer may require diverters, as necessary, at the top of all cut and filled slopes where there is a surface runoff potential.

10.2.13 PROTECTION OF NON-CONSTRUCTED AREAS

There shall be no excavation on the site before the Building Department has approved the location (stakeout) of the drives, parking sites, building sites, and other areas to be graded or filled.

Construction equipment shall be limited to the actual area to be graded according to the approved plans. No vehicle of any kind shall pass over areas to be left in their natural state according to the approved plans.

Appropriate barriers shall be placed around all native vegetation proposed for retention, trails, public right-of-way, etc. as may be required to be erected during construction to prevent a hazard or damage to property or people.

The permittee shall be fully responsible for any damage caused to existing trees or other vegetation. The permittee shall carry the responsibility both for their employees and for any and all subcontractors from the first day of construction until the notice of completion is filed.

10.2.14 PROTECTION OF ANY EXISTING UNDERGROUND PUBLIC UTILITIES

The Contractor shall ascertain and verify the location of any public underground utilities that may be on the property by contacting Blue Stakes or other applicable agency before doing any grading excavation. Once such are located, permittee shall take reasonable care to protect and avoid damage to any such underground utilities by contacting Blue Stakes or other applicable agency for such utilities to be located. Any and all damage caused to public utilities by any act or negligence of the contractor's employees shall be repaired at the contractor's expense to the satisfaction of the utility company and the Town of Brian Head.

10.2.15 NO GRADING NEAR HISTORIC OR PREHISTORIC RUINS

No grading, filling, clearing of vegetation, operation of equipment, or disturbance of the soil shall take place in areas where any historic, prehistoric ruins, monuments, or objects of antiquity are present.

The grading plan shall indicate all such historic or prehistoric areas on the site and shall indicate the measures that will be taken to protect such areas. Should excavation uncover or discover any historic or prehistoric ruins or monuments or object of antiquity which was not known at the time of the submittal of the grading plan, all work in the immediate area shall cease until the Town Manager or Designee shall determine what precautions should be taken to preserve the historic artifacts.

10.3 TRENCHING PERMIT

10.3.1 PERMIT REQUIRED FOR TRENCHING ON PUBLIC OR PRIVATE PROPERTY

No person shall perform any trenching or other excavation on public property, public right-of-way, public easement, or private property within the Brian Head Town limits before completing the following items. This section shall not restrict a soils test, utility location pit up to six feet (6') in depth, or general landscaping activities. Any person undertaking utility location shall comply with the applicable Blue Stakes regulations and standards.

- a. For any trenching, such as that for water pipes, sewer pipes, gas pipes, or culverts, file a written application with the Building Department and obtain a written permit;
- b. For utility trenching such as for power, telephone, or television obtain a permit from the Building Department;
- c. Contact Blue Stakes, utility companies, or other applicable agency to field-locate any coinciding underground utilities;
- d. Review a copy of the American Public Works Association (APWA) Utah Edition or current code for water and sewer piping materials and installation; and
- e. After review from the appropriate department(s), State or Federal office if applicable, a permit may be issued.

10.3.2 REVIEW PROCESS

APPLICATION

Application forms are available from and shall be submitted to the Brian Head Building Department. See Chapter 4 for information required with the application. A list of additional information that may be required may be obtained from the Building Department. Included shall be the following:

- a. **SITE PLAN**
The site plan shall show all property boundaries, existing and proposed new underground utility mains, laterals, manhole inverts, piping grades, valves, meters, thrust blocks, and any other known appurtenances.
- b. **MATERIAL AND INSTALLATION SPECIFICATION AND CONNECTION DETAILS**
Underground piping shall comply with the current adopted code.
- c. **AS-BUILT DRAWINGS**
These drawings shall be furnished to the Building Department for record purposes within thirty (30) days after the work is completed, or forfeit any outstanding bonds. An extension period may be granted for a sufficient reason.

10.3.3 BARRICADES

All open trenches and excavations shall have approved barricades to protect pedestrians and vehicles. Appropriate barriers shall also protect vegetation.

10.3.4 SHORING REQUIRED

Trench shoring, in accordance with OSHA regulations, is required for all trenches.

10.3.5 INSPECTION

All trenches and excavations for which a permit is required shall be kept open until the utility within the trench has been inspected and tested by the appropriate personnel. Any results of any inspection reports shall be forwarded to the Building Department. All pavement and easement repairs shall also be subject to inspection and approval before final acceptance is given. When required by the Town of Brian Head, the contractors shall employ a Special Inspector during the construction.

10.3.6 PAVEMENT REPAIR – PERFORMANCE SECURITY

When required by the Town of Brian Head, the contractor shall furnish and file with the Town Clerk appropriate security pursuant to Section 13.6 (Security for Completion) of this Title. A clean-up security bond shall also be required and posted prior to issuance of the permit, as indicated on the Consolidated Fee Schedule. If the inspection of the completed work shows that the standards and specifications have been met, the security completion bond shall be released upon acceptance by the Town after the one year warranty period. Paving repair materials shall comply with the Town of Brian Head specifications and/or the Utah State Department of Transportation specifications as applicable.

10.3.7 EASEMENT AND RIGHT-OF-WAY REPAIR

The surface of all disturbed areas within easements or right-of-way shall be returned to its original good condition and properly backfilled and compacted per AWPA Utah Edition or current code. Excess excavated material and vegetation debris shall be removed from the site. Property adjoining the easement or right-of-way shall be protected from damage during trenching, utility installations and backfilling, and all work shall stay within the easement or right-of-way limits. All damage to adjoining or neighboring property caused by any act or neglect on the part of the contractor shall be repaired at the contractor's expense to the satisfaction of the Town of Brian Head and/or the property owner.

10.3.8 PROTECTION OF ANY EXISTING UNDERGROUND PUBLIC UTILITIES

The Contractor shall ascertain and verify the location of any public underground utilities that may be on the property by contacting Blue Stakes or other applicable agency before doing any grading or

excavation through Blue Stakes or other applicable agency. Once such are located, Contractor shall take reasonable care to protect and avoid damage to any such underground utilities. Any and all damage caused to public utilities by any act or negligence of the contractor's employees shall be repaired at the expense of the Contractor or its employees to the satisfaction of the utility company and the Town of Brian Head.

10.3.9 NO TRENCHING NEAR HISTORIC OR PREHISTORIC RUINS

No trenching, filling, clearing of vegetation, operation of equipment, or disturbance of the soil shall take place in areas where any historic, prehistoric ruins, monuments, or objects of antiquity are present.

The trenching plan shall indicate all such historic or prehistoric areas on the site and shall indicate the measures that will be taken to protect such areas. Should excavation uncover or discover any historic or prehistoric ruins or monuments or any object of antiquity which was not known at the time of the submittal of the grading plan, all work in the immediate area shall cease until the Town Manager or Designee shall determine what precautions should be taken to preserve the historic artifacts.

10.3.10 FEES

Trenching permit fees shall be submitted according to the Consolidated Fee Schedule. Said fees are payable upon submission of the application.

10.4 HORSE BOARDING

10.4.1 REQUIREMENTS

1. RESIDENTIAL HORSE BOARDING

PURPOSE

Residential Horse Boarding is intended to provide for short term boarding of horses in an approved residential zone with adequate property size and in such a way as to limit any negative impact on adjoining properties and maintain the harmony and residential character of the neighborhood.

Horse Boarding is permitted in an R-1 Zone only, outside of any Zone 1 and 2 Water Source Protection Zone, and, shall be subject to the following limitations:

- a. A horse enclosure area shall have a fence structure of at least forty-two inches (42") in height and shall enclose at least 144 square feet per horse. Such enclosure area shall be located at least fifty feet (50') from any property line or residential

- structure.
- b. The horses shall be used for the riding/packing pleasure of the property owner and his guests and shall not be available to the public for hire.
- c. The site shall be maintained in a sanitary condition and shall conform to all public regulations. Appropriate fly control methods must be demonstrated.
- d. Drainage from the boarding area shall be maintained on the property and shall not be directed toward public street rights-of-way, adjoining property or any creek or stream.
- e. Each animal's physical description, together with its owner's name and phone number, shall be filed with the public safety department so that the owner may be contacted in the event of escape or other emergency.

2. COMMERCIAL HORSE BOARDING PERMIT

PURPOSE

A Commercial Horse Boarding permit is intended to allow for the boarding, riding and enjoyment of horses on a for-hire, commercial basis in such a way as to not create a negative or detrimental impact on associated properties and to maintain the harmony and character of the zone.

A horse boarding permit issued in ROS, GC, LI zones shall be subject to the following limitations:

- a. The property owner shall send a request by certified mail to each adjoining property owner within three hundred feet (300') of the boarding corral/structure. If the adjoining property is owned by multiple owners (i.e. a condominium development, etc.), the notice shall be mailed to each individual property owner.
- b. A horse enclosure area shall have a fence structure of at least forty-two inches (42") in height and shall enclose at least 144 square feet per horse. Such enclosure area shall be located at least fifty feet (50') from any property line or occupied structure.
- c. The site shall be maintained in a sanitary condition and comply with all Town, County, State, and Federal applicable rules and regulations.
- d. Drainage from the boarding area shall be maintained on the property and shall not be directed toward public street rights-of-way, adjoining property or any creek or stream.
- e. A commercial horse boarding operation must have a current valid business license.

10.4.2 REVOCATION OR DISCONTINUANCE

A boarding permit may be revoked by the Town after an opportunity for a hearing if the provisions of this chapter or the limitations prescribed as a condition of the permit are being violated or if the horses are not being properly cared for as determined by the State Humane Society guidelines or in violation of the Town nuisance ordinance. A permit shall become void if not used within one month from the date of issuance.

10.4.3 APPEAL

Any resident or property owner may file with the Appeal Authority an appeal of any action of the Town Staff in connection with issuance or denial of a boarding permit or the conditions attached thereto within ten (10) days following such action. In the event of appeal, the Appeal Authority, after receiving a report from the Town staff, may confirm, reverse, or modify the action of the Town Staff. A public hearing shall not be required.

10.5 TEMPORARY CONCRETE BATCHING FACILITIES

10.5.1 PURPOSE

The purpose of this section is to allow temporary concrete batch plants to be erected and used during a limited time of the year, on any property that conforms to these requirements, to provide concrete batching facilities in Brian Head where industrial zoned land is unavailable for such use. The batch plant shall be associated with an assigned building permit of a chosen project to limit the time it can be in use, but does not need to be on the same property as the permitted project. This license does not exclude the batch plant from delivering concrete to other projects on a commercial basis. This permit does not grant any vested rights for this use to the property it is located on.

10.5.2 PERMITS

- a. A permit shall be required for any concrete batch plant that is erected or conducted within Brian Head Town limits if it: (a.) loads any type of truck or equipment with concrete materials for the purpose of delivering them on site or to another location for final use, (b.) stores concrete materials or equipment such as sand, gravel, cement powder, water, delivery trucks or equipment, batching equipment or anything related to the process.
- b. A permit is not required when concrete batching is conducted in quantities of less than one cubic yard at a time (delivered in bags, or small bulk quantities), to be used only in the location of the batching, and not delivered to any offsite location.
- c. The Town Manager or designee shall review all applications submitted under this ordinance and ensure that the application and the operation represented thereby strictly complies with each requirement of this ordinance and will not create a nuisance, negative effect, or safety hazard on the proposed site, surrounding property, or to the citizens of Brian Head. The Town Manager or designee shall have the authority to approve, deny or revoke any application or permit obtained under this ordinance.

10.5.3 PERMIT APPLICATION

The applicant shall submit a permit packet which includes:

- a. permit application,
- b. site plan,

- c. agent authorization to use the land if it is not owned by the applicant,
- d. list of materials to be stored on the property along with quantities,
- e. list of equipment to be used on the site for delivery of raw materials, loading and processing of concrete, and delivery and placement of concrete materials.
- f. written explanation as to how the applicant will comply with this section regarding noise, dust, smell, safety, and other nuisances,
- g. the source of water to be used for concrete batching,
- h. restroom facilities,
- i. insurance and bond information,
- j. Town indemnification agreement,
- k. storm drain and erosion control plan,
- l. site restoration plan,
- m. other information that will show how the operation will be conducted, and site restored after use.

10.5.4 INSPECTIONS

All approved permit locations shall be subject to inspection at all reasonable times by the Town Manager or designee. The permittee shall notify the Town Manager or designee within three (3) business days of completion of the project and removal of the equipment under the permit.

10.5.5 PERMIT STANDARDS

- a. The operation may be located on Town owned or leased property deemed fit by the Town Council for such facilities. The license shall be tied to one single building permit only, but may be transferred to another permit, one time only.
- b. The facility shall only be operational from May 1st until November 1st of any given year, weather permitting. The Town Staff may grant a one month extension, weather permitting.
- c. Operation of equipment, trucks and motors shall only be conducted between the hours of 7:00 am. to 8:00 pm.
- d. The facilities shall be maintained in a clean and orderly condition and the operator of the facility shall ensure that all dust, dirt, mud and excess water from any material, trucks, land, roads and facilities leading to, from and on the facility site are controlled.
- e. No structure or portion of the facilities or any equipment used in connection with the facilities or their operation shall exceed fifty feet (50') in height above natural grade. The facilities shall be completely fenced and locked during non business hours. All hazardous materials stored on site must be properly contained and legally disposed of.
- f. At the time of filing its application for approval of a facilities site and operation, the operator shall file with the Town a cash deposit of \$5,000.00. This is to ensure the operation of all facilities in compliance with this ordinance, ensuring clean up and restoration of the property upon which the facilities are to be located, and ensuring that the operator pay for any damages to private or public property or improvements which result in any way from the operation of or related to the facilities. Interest earned from the cash deposit will accrue to the benefit of the applicant.
- g. At the time of filing its application for approval of a facilities site and operation, the operator shall provide the Town with proof of general liability insurance in the sum of \$1,000,000.00

- per occurrence naming the Town as an additional insured. Such insurance shall not be subject to cancellation except upon thirty (30) days prior written notice to the Town.
- h The lot, property or parcel of land on which the facilities are to be located or operated shall be large enough to accommodate all facilities, equipment, concrete trucks, vehicles, and employee vehicles. No public roads may be used for any part of or for any use associated with the facilities or their operation.
 - i The operator shall be required to meter all water used with regard to the facilities or their operation and shall pay to the Town, as required by the Town, the rate established by the Town for bulk water sales.
 - j Facilities shall be allowed and permitted by the Town on a first come, first served basis. No more than three (3) concrete batching plants shall be allowed or permitted within the Town boundaries at any one time.
 - k Any facilities or operations proposed to be located within any well protection zone shall submit with their application a plan specifically identifying the measures which will be taken to protect against contamination of the well protection zone or the associated water or water source. The operator of any facility or operation approved for location within any well protection zone shall agree in writing, prior to the application being approved, to pay any and all costs and damages incurred as a result of any contamination of such well protection zone or the associated water and water source.
 - l A facility shall identify and follow a plan to protect adjoining properties and the general citizenry from unreasonable nuisances and hazards relating to the operation of the batch plant in comparison to typical construction processes or similar process that may become an attractive nuisance.
 - m An adequate number of temporary restroom and construction material container facilities shall be located on the facility site and shall be properly and regularly serviced and maintained.

10.6 HOME OCCUPATIONS

10.6.1. PURPOSE

It is the purpose and intent of this Section to allow persons residing in dwellings to use their mental or physical expertise and talent in providing a service, developing a product for sale to the public, operating certain kinds of small businesses or maintaining a professional or business office work space in the dwelling, or in an attached or detached garage or accessory building, or yard space, while at the same time maintaining the peace, quiet and domestic tranquility within all residential areas of Brian Head Town. It is further the purpose and intent of this chapter that home occupations shall be clearly accessory and subordinate to the principal use of the property for dwelling purposes.

10.6.2. PERMITTED STANDARDS FOR HOME OCCUPATIONS WHEN CONDUCTED ENTIRELY WITHIN A RESIDENCE

The following standards shall be observed in the operation of all home occupations to be approved by Town staff:

- a. The home occupation shall be conducted primarily by residents of the premises. A home occupation may have employees; however, only one employee who does not live in the home may come to the home at any one time for purposes of employment. One additional off-street parking stall shall be provided for any employee coming to the home who is not a resident of the premises.
- b. The home occupation shall not physically change the dwelling or yard space to the extent that it would alter the residential or aesthetic character of the dwelling, yard, or neighborhood.
- c. The home occupation shall be allowed one name plate sign which shall be consistent with Chapter 14, Sign Regulations. Temporary signs shall not be permitted for home occupations.
- d. The home occupation shall not generate pedestrian or vehicular traffic in excess of that customarily associated with the zone in which the use is located, as determined by the Zoning Administrator and appropriate regulatory authorities. Occupancy load as defined by the currently adopted Building Code shall not be exceeded.
- e. The home occupation shall not cause a demand for municipal or utility services or community facilities in excess of those usually and customarily provided for residential use, as determined by the Zoning Administrator and appropriate regulatory authorities.
- f. Sale of commodities produced on the premises shall be permitted. The sale of all commodities shall be by prior individual invitation only.
- g. Home occupations shall conform to business license requirements of Title 3, of the Brian Head Town Code.
- h. There shall be complete conformity with all applicable Town, County, State and Federal laws and Ordinances.

10.6.3. CONDITIONAL USE STANDARDS FOR HOME OCCUPATIONS USING ATTACHED OR DETACHED GARAGES, ACCESSORY STRUCTURES OR YARD SPACE

The following standards shall be observed in the operation of all home occupations using garages, other accessory structures, or yard space, which shall be approved by conditional use, in addition to the standards specified in 10.6.2:

- a. An occupation may be considered as a conditional use *only* under the following conditions:
 1. The Planning Commission finds that the proposed home occupation will be clearly accessory and subordinate to the principal use of the property for dwelling purposes; and
 2. The Planning Commission finds that the proposed home occupation will not adversely affect the residential nature and aesthetic quality of the neighborhood; and
 3. Any off-street parking displaced by the home occupation is relocated elsewhere on the lot or parcel; and
 4. The Planning Commission may impose any conditions it deems necessary to mitigate impacts of the home occupation on the neighborhood.
- b. In determining whether to grant a conditional use approval for the use of an attached or detached garage, accessory structure, or yard space for a home occupation, the Planning Commission shall consider the effect of such use on the residential character of the property upon which the home

occupation is proposed to be located. In making a determination, the Planning Commission may consider factors including, but not limited to:

1. displacement of normally residential functions of yard space and building or structure usage;
 2. the potential for generation of noise, dust, vapors, fumes, odors, and light;
 3. the potential for generation of excess traffic;
 4. The potential impact of the proposed home occupation on the aesthetic quality of the neighborhood and the property upon which the home occupation is proposed to be located.
- c. Due to the special nature of home occupations, their potential to create adverse impacts to the neighborhood, and the potential for significant unforeseen impacts to occur, the Planning Commission reserves the right to review any home occupation granted conditional use approval pursuant to this paragraph. The conditional use permit for the home occupation may be reviewed and modified or revoked by the Planning Commission due to failure of the owner or operator of the home occupation to observe all conditions specified in issuing the permit; failure to observe the purpose and intent of this Chapter or other requirements of this Title in regards to the maintenance of improvements and conduct of the home occupation as approved; or significant unforeseen impacts resulting from the operation of the home occupation in conflict with the purpose and intent of this Chapter and as explained in the application.

10.6.4 PERMITTED USES

Home occupations which may be considered under Section 10.6.2 of this Chapter may include the following uses or uses which are similar in character, origin, or impact, as determined by the Building Official/Zoning Administrator:

1. Artist, Author;
2. Architectural service;
3. Barber shop, beauty service;
4. Consulting service;
5. Craft sale;
6. Dance studio; aerobic exercise, music lessons, tutoring and general educational instruction;
7. Direct sales distribution;
8. Data processing, computer programming;
9. Home crafts;
10. Garden plants and produce;
11. Janitorial service;
12. Insurance sales or broker;
13. Interior design;
14. Mail order (not including retail sales from site)
15. Real estate sales or broker;
16. Sales representative;
17. Animal grooming services conducted entirely within the home;
18. Food preparation in compliance with State and Federal Standards;
19. Child care services in compliance with State and Federal Standards.

10.6.5 CONDITIONAL USES

Home occupations which shall not be considered under Section 10.6.2 of this Chapter include the following uses or uses which are similar in character, original, or impact, as determined by the Building Official/Zoning Administrator:

1. Agricultural uses that involve the keeping of animals, unless in a zoning district where the keeping of such animals is allowed;
2. Agricultural uses that use more than twenty five percent (25%) of the area of the lot when the lot is less than one (1) acre in size;
3. Automatic or manual car wash;
4. Building material sales, lumber yard;
5. Contractor's storage yard;
6. Kennel, animal hospital;
7. Machine shop;
8. Manufacture, curing, compounding, processing, packaging, and treatment uses which utilize yard space or which generate noise, smoke, fumes, or odors;
9. Mortuary;
10. Rock crusher;
11. Saw mill;
12. Storage and warehousing;
13. Uses which involve the storage, display, or repair of motor vehicles, or body and fender work on such vehicles;
14. Second hand and pawn shops.

10.7 BURN PERMITS

10.7.1 PURPOSE

Burn permits are intended to act as a notification process to public safety personnel and dispatchers of scheduled burn operations to avoid unnecessary dispatching of fire crews, and to review the proposed burn in order to establish controls and safe practices for the preservation of life and property.

10.7.2 OPEN BURNING AND RECREATIONAL FIRES

Open burning and recreational fires shall be done in compliance with the International Fire Code as currently adopted by the State of Utah, Title 11, Chapter 7 of the Utah Code Annotated, and any current Brian Head Public Safety burn policy as enacted for general public safety

10.7.3 ISSUING BURN PERMITS

A burn permit or Brian Head Public Safety approval is required prior to any open burning or recreational fire by contacting the Brian Head Town Public Safety Office or Iron County Dispatch.